

United States District Court for the Southern District of New York

Alexander Johnson, Plaintiff

v.

Donald J. Trump, Defendant

COMPLAINT FOR DECLARATORY RELIEF UNDER SECTION 3 OF THE 14TH AMENDMENT

Introduction

This action seeks to enforce Section 3 of the 14th Amendment, which disqualifies from office any individual who, after swearing an oath to support the Constitution, engaged in insurrection or rebellion against the United States or gave aid or comfort to its enemies. Donald J. Trump, as President-elect, is constitutionally disqualified due to his role in inciting and enabling the January 6, 2021, attack on the U.S. Capitol and his subsequent actions providing aid and comfort to insurrectionists. These actions undermined the peaceful transfer of power, a cornerstone of American democracy. The Plaintiff has also filed an Emergency Motion for a Temporary Restraining Order and Preliminary Injunction to prevent the immediate and irreparable harm that would result from the inauguration of an ineligible individual.

Jurisdiction and Venue

1. This Court has jurisdiction pursuant to Article III of the U.S. Constitution and 28 U.S.C. § 1331, as this case arises under the Constitution of the United States.
2. Venue is proper under 28 U.S.C. § 1391 because Plaintiff resides in New York, participated in the 2024 presidential election, and the harm caused by Defendant's actions impacts voters nationwide, including Plaintiff.

Plaintiff's Standing

3. Plaintiff Alexander Johnson is a registered Republican voter in New York's District 15 who participated in the 2024 presidential election.
4. Plaintiff has a direct interest in ensuring that only constitutionally qualified candidates hold office. Allowing an ineligible candidate to assume the presidency undermines the sanctity of the electoral process and Plaintiff's rights as a voter.

5. Plaintiff has been deeply affected by the divisive and threatening rhetoric surrounding Donald J. Trump's actions, including statements and behaviors by his supporters that have resulted in credible threats of violence.

6. Specifically, Plaintiff has experienced targeted harassment from individuals espousing allegiance to Trump, including veiled threats of violence related to Plaintiff's support for constitutional accountability under the 14th Amendment. These threats have disrupted Plaintiff's ability to safely and fully engage in civic activities and constitutional duties, including open political discourse and advocacy.

7. The stress and mental toll caused by this environment, combined with the Defendant's continued incitement of hostility, has directly harmed Plaintiff's sense of safety and democratic participation. This personal harm underscores Plaintiff's standing in bringing this case to uphold constitutional principles.

Factual Allegations

A. January 6 Insurrection

8. On January 6, 2021, a mob stormed the U.S. Capitol, disrupting the certification of the Electoral College vote.

9. The attack sought to overturn the lawful results of the 2020 election and prevent the peaceful transfer of power.

B. Defendant's Role

10. Donald J. Trump summoned supporters to Washington, D.C., and explicitly encouraged them to "fight like hell" to stop the certification process.

11. During the attack, Trump failed to act decisively to stop the violence, despite urgent pleas from lawmakers, aides, and his family.

12. Special Counsel Jack Smith's January 14, 2025, report provides overwhelming evidence of Trump's engagement in acts that directly undermined constitutional democracy.

13. Trump has since promised to pardon January 6 participants, framing them as "patriots," which provides continued aid and comfort to individuals who engaged in the insurrection.

Legal Claim: Declaratory Judgment Under Section 3 of the 14th Amendment

14. Section 3 of the 14th Amendment bars individuals from holding office if they engaged in insurrection or rebellion or gave aid or comfort to its perpetrators.

15. The evidence, including Special Counsel Smith's findings and Trump's public statements, demonstrates that he engaged in insurrection by inciting and supporting the January 6 attack.

16. Section 3 does not require a criminal conviction to establish disqualification. The constitutional standard is met through a preponderance of evidence showing engagement in insurrection or rebellion.

17. Under *Powell v. McCormack* (1969), courts have the authority to adjudicate constitutional qualifications for office. Enforcement of Section 3 is a judicial duty, not a political question.

18. The Supreme Court in *Brandenburg v. Ohio* (1969) held that speech is not protected if it incites imminent lawless action. Trump's rhetoric on January 6, combined with his inaction during the attack and his subsequent pledges to pardon participants, exceeds the protections of the First Amendment and constitutes incitement.

Relief Requested

Plaintiff respectfully requests that this Court:

1. Declare that Donald J. Trump is disqualified from holding the office of President under Section 3 of the 14th Amendment due to his engagement in insurrection or rebellion.
2. Issue a Temporary Restraining Order (TRO) to immediately halt any actions related to the inauguration or certification of Defendant Donald J. Trump as President of the United States.
3. Grant a Preliminary Injunction enjoining Defendant from assuming the office of the presidency until this Court has adjudicated the merits of Plaintiff's case.
4. Expedite consideration of this matter, recognizing the emergency nature and imminent harm posed by Defendant's inauguration.
5. Grant any other relief deemed just and proper to protect the Constitution and the public interest.

Signature

Respectfully submitted,

Alexander Johnson

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